

UNITED STATES DISTRICT COURT
DISTRICT OF MINNESOTA

Benjamin Caleb Neal,

Case No. 22-cv-0757 (WMW/ECW)

Plaintiff,

**ORDER ADOPTING REPORT AND
RECOMMENDATION**

v.

Pathways Treatment Facility,

Defendant.

Before the Court is United States Magistrate Judge Elizabeth Cowan Wright's May 24, 2022 Report and Recommendation (R&R) recommending dismissal of this action without prejudice for failure to prosecute pursuant to Federal Rule of Civil Procedure 41(b). (Dkt. 6.) Because no timely objections to the R&R have been filed, the Court reviews the R&R for clear error. *See* Fed. R. Civ. P. 72(b); *Grinder v. Gammon*, 73 F.3d 793, 795 (8th Cir. 1996) (per curiam). Having reviewed the R&R, the Court finds no clear error.

Based on the R&R, the foregoing analysis and all the files, records and proceedings herein, **IT IS HEREBY ORDERED:**

1. The May 24, 2022 R&R, (Dkt. 6), is **ADOPTED**.
2. This matter is **DISMISSED WITHOUT PREJUDICE** pursuant to Rule 41(b), Fed. R. Civ. P., for failure to prosecute.

3. Plaintiff Benjamin Caleb Neal's application to proceed *in forma pauperis*, (Dkt. 4), is **DENIED AS MOOT**.

LET JUDGMENT BE ENTERED ACCORDINGLY.

Dated: July 12, 2022

s/Wilhelmina M. Wright
Wilhelmina M. Wright
United States District Judge